

ORDINANCE NO. 587

AN ORDINANCE REPEALING OBSOLETE, SUPERSEDED OR
UNCONSTITUTIONAL ORDINANCES AND PORTIONS THEREOF
FOR THE CITY OF LAS ANIMAS, COLORADO, IN CONJUNCTION
WITH THE RECODIFICATION OF THE MUNICIPAL CODE.

WHEREAS, the Municipal Code of the City of Las Animas, Colorado has been amended from time to time, over the years, by the passage of amending ordinances; and

WHEREAS, the City Council of the City of Las Animas, Colorado has deemed that a recodification would be in order, and has retained the services of Book Publishing Company to assist in the recodification; and

WHEREAS, as a result thereof, a serious review of the entire Municipal Code has been made, and it has been determined that there is certain minimal changes which need to be made to comply with changes in the law, and/or to comply with different citations and/or to correct Scrivner's mistakes in said Municipal Code; and

WHEREAS, it is the desire of the City of Las Animas, Colorado to make those corrections by one ordinance;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAS ANIMAS, COLORADO:

SECTION 1. That the following sections of the Municipal Code are hereby repealed:

- a. Section 1-6
- b. Section 2-2
- c. Section 2-33
- d. Section 2-24
- e. Section 5-2
- f. Section 5-3
- g. Section 5-4
- h. Section 5-16
- i. Section 5-26
- j. Section 6-2
- k. Section 6-3
- l. Section 6-3.1
- m. Section 6.6
- n. Chapter 8 in its entirety
- o. Section 9-2

p. Section 9-3
q. Section 10-2
r. Section 10A-3
s. Section 10A-10
t. Section 11B-2
u. Section 11B-3
v. Section 12-2
w. Section 12-11
x. Section 14-2
y. Section 14-5
z. Section 14-7
aa. Section 14-8
bb. Section 14-9.1(1)(a)
cc. Section 14-15
dd. Section 14-16
ee. Section 14-17
ff. Section 14-18
gg. Section 14-21
hh. Section 14-22
ii. Section 14-24(b)
jj. Section 14-25
kk. Section 14-29
ll. Section 14-36
mm. Section 14-38
nn. Section 14-37
oo. Section 14-40
pp. Section 14-44
qq. Section 16-2
rr. Section 16-3
ss. Section 16-4
tt. Section 17-7
uu. Section 17-16
vv. All of Chapter 18
ww. Section 18A-71
xx. Section 19A-6
yy. Section 22-2(B)
zz. Section 23-1

SECTION 2. That the following sections of the Municipal Code are reenacted:

A. Section 1.6. General Penalty; Continuing Violations.

Whenever in this Code or any other ordinance or resolution of the city or any rule or regulation promulgated under the provisions of this Code any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, any person who shall be convicted of the violation of any such provision of this Code or other ordinance or resolution of the

city hereafter enacted or of such rule or regulation shall be punished by a fine of not more than one thousand dollars or by imprisonment in jail not exceeding 365 days, or by both such fine and imprisonment.

Every day any violation of this Code or any other ordinance or resolution of the city or any rule or regulation promulgated under the provisions of this Code shall continue shall constitute a separate offense.

B. Section 2-2. Social Security--Coverage Provided Generally.

The City shall provide old-age and survivor's insurance coverage for its officers and employees in the federal old-age and survivor's insurance system under the terms of Section 218 of Public Law 734, 81st Congress, and Colorado Revised Statutes, 1973, as amended, Section 24-53-101 et seq.

The mayor and clerk of the City are hereby authorized and directed to enter into an agreement with the Department of Employment Security of the state, on behalf of the City to do all things necessary to provide for the participation by the city in the federal old-age and survivor's insurance system and to effectuate coverage of the officers and employees.

C. Section 2-33. Municipal Judge--Appointment; Term; Qualifications; Removal; Additional Judges.

The court shall be presided over by a presiding Municipal Judge appointed by the City Council for a term of two years or until a successor is appointed and duly qualified. The Municipal Judge shall perform no other duties during the hours that court is in session. The City Council may appoint additional judges from time to time as may be needed to transact the business of the court or to preside in the absence of the Presiding Judge. The Presiding Judge shall supervise and direct the court's operation. Any Municipal Judge may be removed by the City Council for cause.

D. Section 2-24. Created; Composition; Appointment, Qualification, Terms of Office; Compensation and Removal of Members; Filling Vacancies in Membership.

A City Planning Commission is hereby created. The City Planning Commission shall consist of five members, who shall serve without pay. The members shall consist of the Mayor, a City Council member selected by the Council and three other residents of Las Animas who shall be appointed by the Mayor. Appointments shall be for a term of six years. If any member ceases to reside in the City his membership on the commission shall immediately terminate.

C-LINE #62083
CLEAR TOPPER

Members other than the member representing the council may, after public hearing, be removed by the Mayor for inefficiency, neglect of duty or malfeasance in office, and the Mayor shall file a written statement of reasons for such removal. All vacancies shall be filled by the Mayor.

E. Section 5-11. Feeding Impounded Animals.

In case any animal shall be at any time impounded and shall continue to be without necessary food or water more than twelve consecutive hours, it shall be lawful for any person, from time to time and as often it shall be necessary, enter into or upon any pound or corral in which any such animals shall be confined, and supply it with necessary food and water, so long as it shall remain so confined. Such person shall not be liable to any action for such entry, and the reasonable cost of such feed and may be collected by him from the owner of such animal.

F. Section 6.1. Uniform Building Code--Adopted.

Pursuant to Title 13, Article 16, Part 2, Colorado Revised Statutes as amended, there is adopted as the building code of the City, by reference thereto, the "Uniform Building Code, 1994 Edition" published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, together with the "Uniform Building Code Standards, 1994 Edition", of the International Conference of Building Officials, above address, all to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted codes includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures for the purpose of protecting the public health, safety and general welfare.

G. Section 6-2. Same--Amendments and Deletions.

- (a) Amendments and deletions to the Uniform Building Code: None.
- (b) Changes in permit fees: Building permit fees shall be charged as set forth in the Uniform Building Code, 1994 Edition. The city council may change the charge for such permit fees by resolution.

H. Section 6-3. Same--Copies on File.

At least three copies of the "Uniform Building Code, 1994 Edition", and at least three copies of the "Uniform Building Code Standards, 1994 Edition", of the International Conference of

Building Officials, all certified to be true copies, have been and are now on file in the office of the City Clerk, and may be inspected by any interested person between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, holidays excepted. The building code as finally adopted shall be available for sale to the public through the office of the city clerk at a moderate price.

I. Section 6-3.1. Same--Penalties.

- (a) The following penalty clause as contained in the "Uniform Building Code" is herewith set forth in full and adopted:

Section 103. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

- (b) Any violation of any provision of this section shall be punishable by a fine not exceeding \$1,000.00 or imprisonment for a term not exceeding 365 days or by both fine and imprisonment.

J. Section 6.6. Right of Entry for Inspection.

- (a) Whenever any officer or employee of the city is authorized to enter any building or premises for the purpose of making an inspection to enforce any ordinance, he may enter such building or premises at all reasonable times to inspect the same; provided, that he shall effect entry in the manner provided in Section b below, except in emergency situations, or when consent of the person having charge or control of such building or premises has been otherwise obtained.
- (b) If the building or premises to be inspected is occupied, the authorized officer or employee shall first present proper credentials and demand entry; and if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and demand entry. If consent to such entry is not given, the authorized officer or employee shall have recourse to every remedy provided by law to secure entry.
- (c) This ordinance shall be controlling over any other ordinance or part of an ordinance on the same subject, whether heretofore or hereafter adopted, unless such ordinance or part of an ordinance provides differently by an express reference to this ordinance. Notwithstanding

any other ordinance of this city, whether heretofore or hereafter adopted, it shall not be a violation of ordinance to refuse or fail to consent to an entry for inspection.

K. Section 9-2. Same--Amendments and Deletions.

- (a) Amendments and deletions to the National Electrical Code: None.
- (b) Changes in permit fees: Electrical permit fees shall be charged as set forth in the National Electrical Code, 1996 Edition. The city council may change the charge for such permit fees by resolution.

L. Section 9-3. Same--Copies on File.

At least three copies of the "National Electrical Code, 1996 Edition", certified to be true copies, are now and have been on file in the office of the city clerk, and may be inspected by any interested person between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, holidays excepted. The electrical code as finally adopted shall be available for sale to the public through the office of the city clerk at a moderate price.

M. Section 10A-3. Exemptions.

The term "junked vehicle" as used in this chapter shall not include: vehicles in possession of a licensed junk dealer; vehicles within a fully enclosed building; vehicles exempt from registration under the laws of the state and specifically including those vehicles exempted by C.R.S. 42-3-103, as the same may be now or after the effective date of the ordinance from which this chapter is derived amended, vehicles defined and registered as "collector's items," C.R.S. 42-12-101 et seq., as the same may be now or after the effective date of the ordinance from which this chapter is derived amended; and special interest vehicles. "Special interest vehicles" includes, but is not limited to, racing vehicles, stock cars, classic and antique cars, all of which special interest vehicles shall be maintained in good operating condition. Further, "junked vehicles" shall not include vehicles enclosed within, and screened from public view by means of, a suitable privacy fence of minimum height of five feet eleven inches tall which cuts off the view of anyone passing by. Provided, however that no more than two vehicles shall be exempt from the provisions of this chapter by reason of the fencing exemption set forth in this chapter.

N. Section 10A-10. Abandoned Vehicles.

It shall be unlawful for any person to abandon any vehicle on any public right-of-way or public parking lot, or upon any private

property without the consent of the owner or occupant of such private property without the consent of the owner or occupant of such private property. The chief of police is specifically empowered to cause the removal and disposal of such abandoned vehicles pursuant to the provisions of C.R.S. 42-4-1801 as the same may be now or hereafter amended.

O. Section 11B-2. Same--Amendments and Deletions.

- (a) Amendments and deletions to the Uniform Mechanical Code: None.
- (b) Changes in permit fees: Mechanical permit fees shall be charged as set forth in the Uniform Mechanical Code, 1994 Edition. The city council may change the charge for such permit fees by resolution.

P. Section 11B-3. Same--Penalties.

- (a) Violations. The following violations clause contained in the "Uniform Mechanical Code, 1994 Edition", is set forth in full and adopted:

Section 111. It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move improve, remove, convert or demolish, equip, use or maintain mechanical systems or equipment or cause or permit the same to be done in violation of this code.

- (b) Penalties. Any person, firm or corporation violating any provision of this code shall be deemed guilty of a misdemeanor and upon conviction thereon, shall be punishable by a fine not to exceed \$1,000.00 or by imprisonment in the city or county jail not to exceed 365 days or both fine and imprisonment. Each separate day or any portion thereof, during which any violation occurs or continues, shall be deemed to constitute a separate offense and upon conviction thereof, shall be punishable as herein provided.

Q. Section 14-10. Disturbing Religious Worship.

It shall be unlawful for any person to intentionally disquiet or disturb any congregation or assembly for religious worship by making a noise, explosion of fireworks, by rude or indecent behavior or profane discourse within their place of worship, or so near the same as to disturb the order or solemnity of the meeting.

R. Section 14-15. Gambling--Possession, Use, etc., of Devices, etc., Prohibited; Exception.

It shall be unlawful for any person to set up, have or keep

any gambling device, as defined in Section 18-10-102 C.R.S. 1973, as amended, with which any money, liquor or other article shall in any manner be played for; or to play for money or any valuable thing at any game with any gambling device which may be used for the purpose of playing or betting upon or winning or losing money or other property; or to bet on any game others may be playing; except, that the game may be conducted by local groups or associations and the gross proceeds be devoted and applied to the support of a charitable, educational or religious activity of the immediate vicinity.

S. Section 14-34. Prostitution and Other Sexual Offenses-- Definitions.

Bawdy house or house of assignation. A house or place kept for the shelter and convenience of persons desiring unlawful sexual intercourse or other unlawful physical sexual activity and where such intercourse or activity is practiced.

House of prostitution. A house or place kept or resorted to for the purpose of prostitution.

Lewd Act. An appearance in the state of nudity or in any indecent or lewd dress in a public or semipublic place or under such circumstances as to be offensive to the person to whom the appearance or exposure is made, indecent exposure and exposure of the private parts in a public or semipublic place or under such circumstances as to be offensive to the person to whom the appearance or exposure is made; indecent, wanton and lascivious act committed in the presence of another or in a place open to the public view.

Meretricious display. Any act, sign, gesture or manifestation which allure, or is calculated to allure, entices or is calculated to entice by a false show, gaudiness, tawdry ornamentation or lascivious suggestion for purposes of prostitution.

Prostitute. One who engages in prostitution.

Prostitution. The offering or receiving of the body for sexual intercourse or other physical sexual activity for hire.

T. Section 16-2. Same--Amendments and Deletions.

- (a) Amendments. Appendix I of said "Uniform Plumbing Code" 1994 Edition, relating to individual sewage disposal systems is amended where it is in conflict with Chapter 25, Article 10, of the Colorado Revised Statutes, as amended, or this chapter, to conform to and comply with said Chapter 25, Article 10, of the Colorado Revised Statutes, as amended, or this chapter.

(b) Deletions. None.

(c) Changes in permit fees. Plumbing permit fees shall be charged as set forth in the Uniform Plumbing Code, 1994 Edition. The city council may change the charge for such permit fees by resolution.

U. Section 16-3. Same--Copies on File.

At least three copies of the "Uniform Plumbing Code, 1994 Edition", of the International Association of Plumbing and Mechanical Officials, certified to be a true copy, is now and has been on file in the office of the city clerk, and may be inspected by any interested person between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, holidays excepted. The plumbing code as finally adopted shall be available for sale to the public through the office of the city clerk at a moderate price.

V. Section 16-4. Same--Penalties.

(a) The following violations clause contained in the Uniform Plumbing Code, 1994 Edition, is set forth in full and adopted:

Section 102.3.1. Violations. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert, demolish, equip, use, or maintain any plumbing or permit the same to be done in violation of this Code.

(b) Penalties. Any person, firm or corporation violating any provision of this code shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not to exceed \$1,000.00 or by imprisonment in the city or county jail not to exceed 365 days, or both fine and imprisonment. Each separate day or any portion thereof, during which any violation occurs or continues, shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided.

W. Section 17-7. Construction and Use of Incinerators and Ash Pits.

Incinerators or ash pits shall be of metal, brick, stone or cement construction, shall be well ventilated and shall have a fire-proof cover; provided, that all such incinerators or ash pits to be constructed in the city shall be approved by the City. No garbage or refuse shall be burned therein which produces objectionable or obnoxious odors.

X. Section 17-16. Rates--Specified.

The fees and rates set forth in this section shall be fixed as the charges for removal and hauling of garbage and refuse in the city by resolution of the City Council.

Future rates on residences may be raised or established by resolution of the city council.

Y. Section 18A-71. Billing--Delinquent Account--Penalty.

If the monthly bill is not paid within thirty days of the billing date, the consumer shall be notified. If the bill remains unpaid for another ten days a termination notice shall be mailed to the customer with an established termination date. Thereafter, if the bill remains unpaid, water service will be discontinued without further notice.

Water will not be turned on in any house or private service line except upon the order of the director after all arrearages and charges due have been paid.

In case of delinquent accounts on nonowner occupied residences, the property owner will be given an additional thirty days' notice before service will be discontinued.

Z. Section 19A-6. Exemptions.

- (a) There shall be exempt from taxation under the provisions of this article all of the tangible personal property and services which are exempt under the provisions of "The Emergency Retail Sales Act of 1935", as set forth in Article 36, Title 39, Colorado Revised Statutes, 1973, as amended, which exemptions are incorporated herein by this reference, except the exemption allowed by section 39-26-114(11), Colorado Revised Statutes, 1973, for purchases of machinery or machine tools, and except the exemption of sales and purchases of electricity, coal, gas, fuel oil and coke as provided in section 39-26-114 (1) (a) (XXI), Colorado Revised Statutes, 1973, and except the exemption for sale of food specified in section 39-26-114 (1) (a) (XX), Colorado Revised Statutes, 1973, and except occasional sales by a charitable organization as provided in Section 39-26-114(18).

AA. Section 23-1. Concealed Weapons--Carrying Prohibited; Forfeiture to City; Sale, Use, etc., of Switch-Blade Knife.

- (a) It shall be unlawful for any person to wear under his clothes, concealed about his person or to display in a threatening manner, any dangerous or deadly weapon including, but not by way of limitations, any pistol,

revolver, slingshot, cross-knuckles or knuckles of lead, brass or other metal, any Bowie Knife, dirk, dagger or any knife resembling a Bowie knife or knife or any other dangerous or deadly weapon.

- (b) It shall be unlawful for any person to sell, offer to sell, display, use or possess or carry any knife having the appearance of a pocket knife, the blade of which can be opened by a flick of a button, pressure on the handle or other mechanical contrivance. Any such knife is hereby declared to be a dangerous or deadly weapon within the meaning of this section and shall be subject to forfeiture to the city as provided by this section.
- (c) Every person convicted of any violation of this section shall forfeit to the city such dangerous or deadly weapon so concealed or displayed.
- (d) Nothing in this section shall be construed to forbid United States marshals, sheriffs, constables and their deputies, and any regular, special or ex officio police officer or any other law enforcement officer to include peace officers defined in Section 18-1-901, C.R.S. 1973, as amended, from carrying or wearing, while on duty, such weapons as shall be necessary in the proper discharge of their duties.
- (e) It shall be an affirmative defense that the Defendant was:
 - 1. A person in his own dwelling or place of business or on property owned or under his control at the time of the act of carrying; or
 - 2. A person in a private automobile or other private means of conveyance who carries a weapon for lawful protection of his or another's person or property while traveling; or
 - 3. A person who, prior to the time of carrying a concealed weapon, has been issued a written permit pursuant to Section 18-11-105.1 to carry the weapon by the chief of police of a city or city and county, or the sheriff of a county.

SECTION 3. That the repeal of an ordinance herein shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

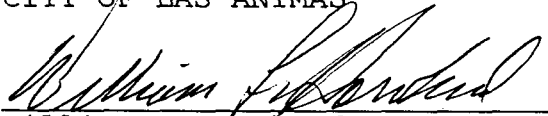
SECTION 4. That this ordinance does not affect prosecutions for ordinance violations committed prior to the effective date of this ordinance, does not waive any fee or penalty due and unpaid on

the effective date of this ordinance, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance.

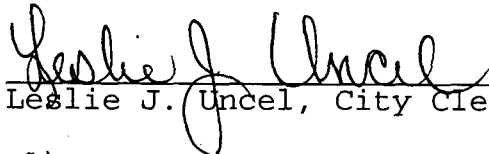
SECTION 5. That an emergency exists which necessitates the passage of this ordinance on an expedited basis, for the health and welfare and safety of the citizens of the City of Las Animas, Colorado.

PASSED as an emergency ordinance this 10th day of ~~June~~ 1997 and adopted herein.

CITY OF LAS ANIMAS


William F. Howland, Mayor

ATTEST:


Leslie J. Uncel, City Clerk

cl\vc

